

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KURT A. BENSHOOF,

Plaintiff,

v.

CITY OF SHORELINE, KING COUNTY,
TOWN & COUNTRY MARKETS, EVAN B.
FAGAN, WILLIAM C AKERS, and
MR. THOMPSON,

Defendants.

Case No. 2:24-cv-00343-TL

**DEFENDANTS TOWN & COUNTRY
MARKETS, INC. AND EVAN B.
FAGAN’S RESPONSE TO PLAINTIFF
KURT A. BENSHOOF’S MOTION
FOR JURISDICTIONAL DISCOVERY**

Note for Motion Calendar:
November 19, 2024

In his reply in support of his second motion for stay,¹ Plaintiff Kurt A. Benshoof includes a separate “Motion for Jurisdictional Discovery Under FRCP 26(b)(1),” on which he requests oral argument. (Dkt. No. 73 at 1.) Specifically, Mr. Benshoof argues that he has a “due process right to discovery” as to (1) the claim that he “has no right to have his pleadings be filed by someone other than himself,” and (2) the claim that “it is unclear whether [Mr.] Benshoof[’s] assertions that he has no access to a pen, paper, envelopes, computer internet or email and whether his legal mail is obstructed or not - are true.” (*Id.* at 7.)

Mr. Benshoof’s Motion for Jurisdictional Discovery should be rejected for numerous reasons. First, he improperly includes the motion in the context of a reply in support of a

¹ Within the span of three days, Mr. Benshoof filed three different iterations of his reply in support of his second motion for stay. (*See* Dkt. Nos. 71-73.) The latest iteration includes a “Motion for Jurisdictional Discovery Under FRCP 26(b)(1)” and a “Motion to Strike [R]esponse by Ann M. Summers.” (*See* Dkt. No. 73 at 1.) Defendants Town & Country Markets, Inc. and Evan B. Fagan oppose Mr. Benshoof’s requested relief, specifically addressing his motion for jurisdictional discovery in this brief.

1 separate motion to stay the case. Second, like his second motion for stay, Mr. Benshoof's
 2 Motion for Jurisdictional Discovery was prepared and signed by a third party, Urve Maggitti,
 3 who does not appear to be a licensed attorney and thus appears to be engaging in the
 4 unauthorized practice of law. *See Seco v. Homestead Apartments*, No. 2:24-cv-01118-LK,
 5 2024 WL 3566592, at *1 (W.D. Wash. July 29, 2024) (citing cases where the Court struck
 6 pleadings filed by non-lawyer representatives). Third, the motion itself and relief requested
 7 by Mr. Benshoof are unintelligible. Mr. Benshoof relies on his right to conduct discovery
 8 under Federal Rule of Civil Procedure 26(b), but he has yet to serve any discovery requests in
 9 this case. Further, courts may grant leave to take jurisdictional discovery when "pertinent facts
 10 bearing on the question of jurisdiction are in dispute," or where a more satisfactory showing
 11 of the facts is necessary. *Am. W. Airlines, Inc. v. GPA Grp., Ltd.*, 877 F.2d 793, 801 (9th Cir.
 12 1989). Mr. Benshoof presents no disputed facts relative to the Court's jurisdiction to hear the
 13 case, nor are Defendants Town & Country Markets, Inc. and Evan B. Fagan (collectively
 14 "Defendants") aware of any. Indeed, the topics on which Mr. Benshoof appears to request
 15 discovery relate not to the Court's jurisdiction but rather to his ability to have a third party file
 16 pleadings on his behalf and his access to various resources.

17 Based on the foregoing, the Court should deny Mr. Benshoof's Motion for
 18 Jurisdictional Discovery and request for oral argument on the same.

19 DATED this 1st day of November, 2024.

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CERTIFICATE OF SERVICE

I certify under penalty of perjury under the laws of the state of Washington that on this date I filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will automatically send notification of this filing to registered parties, and served a courtesy copy on the following parties of record, as indicated:

Via Email & Regular Mail

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DATED November 1, 2024, at Seattle, Washington.

s/ Leslie Boston
Leslie Boston